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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YOUSSEF MAZROUE and MUSTAFA MAZROUE,

Plaintiffs,

-against-

CIGARILLOS 4 CORPORATION, BING BANG
MINI SHOP CORPORATION D/B/A BANG BONG
SMOKE & DISPENSARY, WONDERWORLD
CONVENIENCE CORP., 76 FULTON
CONVENIENT & MORE CORP., and NADER
MOHAMED individually,

Defendants.

23-CV-9056 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS because Plaintiffs' complaint was not verified, the Court ordered Plaintiffs to file affidavits providing the factual basis for their minimum wage and overtime claims, *see* Order, Dkt. 24;

WHEREAS on April 29, 2024, Plaintiffs filed affidavits in support of their claims, Affidavits, Dkt. 25;

WHEREAS the affidavits state that they were executed in Astoria, New York but are notarized by notaries public in California, *id.*;


WHEREAS New York law allows only a notary public who has been appointed and commissioned in New York to notarize an affidavit in New York, *see Sanderson v. Horse Cave Theatre*, 76, 881 F. Supp. 2d 493, 501 (S.D.N.Y. 2012) (citing New York Executive Law §§ 130–138); and

WHEREAS because the affidavits were executed in New York but notarized by a California notary, they “cannot be considered as evidence by the Court,” *see id.*

IT IS HEREBY ORDERED that by not later than **Friday, May 17, 2024**, Plaintiffs must re-submit affidavits that are properly notarized by a notary public in the state in which the affidavits are executed, such that the Court can consider them as sworn evidence of Plaintiffs' minimum wage and overtime claims for the purposes of default judgment.

SO ORDERED.

Date: May 7, 2024
New York, New York



VALERIE CAPRONI
United States District Judge